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COMMITTEE ON TRANSPORTATION
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FOREIGN AFFAIRS
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April 10, 2023

Janet Coit
Assistant Administrator for Fisheries
National Marine Fisheries Service
1315 E West Highway
Silver Spring, MD 20910

Dear Assistant Administrator Coit,

I write today to express serious concerns about the implications of the National Marine Fisheries Service's (NMFS) last minute incursion in the U.S. Army Corps of Engineers' Lake Okeechobee System Operating Manual (LOSOM) process. The eleventh-hour insertion of NMFS into this process that began in 2019 is expected to cause a six-month delay for the signing of the Record of Decision. This delay will have an immediate and negative impact on the water quality of the east and west coasts this summer, which are projected to have intense harmful algal blooms due to Hurricanes Nicole and Ian.

The National Marine Fisheries Service was a part of the Project Delivery Team (PDT) charged with developing LOSOM from the very beginning, yet your agency participated minimally in the PDT calls and meetings throughout the years-long process. I agree that documenting the implications of discharges on the ecosystems of the estuaries is important – I've been advocating for it since coming to Congress – but it's disturbing that NMFS sat on its hands for almost four years. Throughout that time, stakeholders on both coasts flagged concerns with your agency about the impacts discharges from Lake Okeechobee have on the wildlife in the estuaries, yet NMFS failed to weigh in throughout the process with the PDT.

Environmental stakeholders across the board agree that LOSOM is a marked improvement for the ecosystems of the St. Lucie River estuary and Caloosahatchee River estuary over the current lake regulation schedule, the Lake Okeechobee Regulation Schedule (LORS 2008). Under LOSOM, the Caloosahatchee and the St. Lucie receive fewer harmful discharges of nutrient-laden freshwater than we now get under LORS 2008. Additionally, LOSOM protects the estuaries from harmful discharges at higher lake levels than LORS 2008 does. These components were critical to both coasts going into the 2023 rainy season, given that Lake Okeechobee is still too high for us to breathe easy as we prepare for summer hurricanes. Prior to NMFS stepping in, both coasts were eagerly expecting to be operating under LOSOM for much of hurricane season. With this delay, the estuaries will now be forced to suffer under the threat of another lost summer due to releases of water filled with toxic algae.

Despite NMFS' lack of action, the rest of the PDT moved forward to write a lake management plan that provides notably better outcomes for the ecosystems NMFS is charged with protecting.

Instead of waiting until the last minute to register concerns, NMFS should have been engaged throughout the writing of LOSOM. Now the estuaries will be forced to go through another summer under LORS 2008, putting us at risk more often for significant harmful discharges that degrade the delicate estuarine ecosystems. Given NMFS' lack of participation in the PDT and your last minute insertion into the process, I would like a response no later than April 17, 2023 detailing the service's timeline for completing its review and your input on LOSOM to the Army Corps of Engineers from January 2019 to present.

Sincerely,

A handwritten signature in blue ink, appearing to read "B. Mast", with a large, stylized initial "B" that loops around the rest of the name.

Brian Mast
Member of Congress